



1 flight. Although there are more non-stop flights to Las Vegas than to Reno, ground  
2 transportation between airport and hotel is much quicker in Reno than in Las Vegas, especially  
3 during peak travel hours. Time spent at check-in, security, baggage claim, and ground  
4 transportation is also significantly lower at Reno-Tahoe than at McCarran. Considering the  
5 totality of the circumstances, the Court does not find that a trial in Las Vegas would be more  
6 convenient for parties and witnesses.

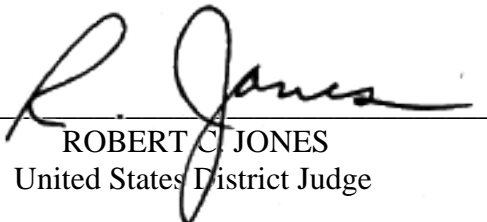
7 Witness Thomas DeVito resides in Las Vegas and is in poor health. The Court will  
8 permit him to testify by video teleconference from Las Vegas if necessary, but the Court will not  
9 move the entire trial to Las Vegas. The Court also notes that DeVito is not beyond the subpoena  
10 power of the Court even as to testimony in Reno (as suggested by Defendants), so long as he  
11 would not incur “substantial expense” to travel to Reno from Las Vegas. *See* Fed. R. Civ. P.  
12 45(c)(1)(B)(ii). The Court finds that travel to Reno from Las Vegas would not result in  
13 “substantial expense” for DeVito under the meaning of the rule, and even if it would the Court  
14 (or any party demanding his testimony) could pay his expenses (which would be miniscule  
15 compared to the overall cost of this litigation) to require travel beyond 100 miles because DeVito  
16 resides in this state. *See* Fed. R. Civ. P. 45 advisory committee notes.

### 17 CONCLUSION

18 IT IS HEREBY ORDERED that the Motion to Transfer Venue (ECF No. 988) is  
19 DENIED.

20 IT IS SO ORDERED.

21 Dated this 3rd day of October, 2016.

22   
23 ROBERT C. JONES  
24 United States District Judge